

Members

Sen. Connie Lawson, Chairperson
Sen. Rose Antich
Rep. William Crawford
Rep. Mary Kay Budak
Marcia Hearn-Lindsey
Carol Johnson
Nathan Samuel
Ellen Clippinger
Cheryl Seelig
Sven Schumacher
Kimberly Tracy Armstrong
Judith Ganser
John Boyce
Mara Snyder
Judy Nevins
Sharon Pierce
Natalie Wolfe



BOARD FOR THE COORDINATION OF CHILD CARE REGULATION

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MEETING MINUTES¹

Meeting Date: October 24, 2002
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Connie Lawson, Chairperson; Rep. William Crawford; Rep. Mary Kay Budak; Marcia Hearn-Lindsey; Carol Johnson; Nathan Samuel; Ellen Clippinger; John Boyce; Mara Snyder; Judy Nevins; Sharon Pierce; Natalie Wolfe.

Members Absent: Sen. Rose Antich; Cheryl Seelig; Sven Schumacher; Kimberly Tracy Armstrong; Judith Ganser.

Sen. Lawson called the meeting to order at 10:10 a.m.

Testimony on Child Care Problems

Natalie Wolfe, Board member, presented a handout² and introduced three parents to testify concerning the deaths of their children while in child care.

Gwen Parker, parent, Indianapolis, provided a copy of her testimony.³ She described the

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

²Attachment 1.

³Attachment 2.

the death of her son, Damon, while in the care of a babysitter who was subsequently convicted of murder. She expressed concern that the babysitter may eventually be released from prison and be able to provide care to children again. Ms. Parker made several recommendations concerning child care regulation. There was general discussion concerning information available from the child abuse registry, access to the registry, education of parents about information that is available to assist them in choosing child care providers, and child/staff ratios.

John Williams, parent, Terre Haute, and his wife, Kelly, presented a copy of their testimony⁴ concerning the death of their daughter, Alexis, while in child care. They described difficulty of having the child care provider prosecuted. There was general discussion concerning coroner determinations of a cause of death, and detective work in child care death cases.

Staci Tober, parent, Indianapolis, and her husband, testified concerning the death of their son, Trevor, while in the care of a child care provider. They discussed the sometimes insufficient numbers of caregivers in unlicensed care, and illegally operating providers. There was general discussion concerning the statutory licensure exemption of child care providers who care for 5 or fewer unrelated children and an unlimited number of related children, and of education and information sources for parents choosing child care providers.

Kith and Kin Issues Related to Licensure Requirements

Beth Eiler, Deputy Director, Bureau of Child Development, Family and Social Services Administration (FSSA), presented a handout⁵ reflecting licensure requirements in the United States based on the number of children in care. She noted that Indiana does not require licensure until a provider is caring for 6 or more children, and emphasized that the majority of states require licensure for providers who care for less than 6 children. Ms. Eiler stated that FSSA does not have information concerning the financial impact of requiring licensure for child care providers caring for less than 6 children because the number of child care providers in that category is unknown.

In response to questions from Ms. Pierce, Ms. Johnson, Ms. Wolfe, and Sen. Lawson, Ms. Eiler stated that: (1) information concerning child care centers is posted on FSSA's carefinder web site, and that FSSA will consider including this information for child care homes in the future; (2) FSSA is utilizing quality funding to improve the web site and education of parents about this resource; (3) the Chamber of Commerce may be another source of child care information for parents moving to Indiana; (4) the carefinder web site has been in existence almost 2 years and efforts will be made to list all providers on the web site.

Rep. Crawford noted that it would be helpful to obtain even rough estimates of the financial impact of requiring licensure for all child care providers who provide care for 1 unrelated child. He expressed interest in moving toward such a requirement. Ms. Pierce stated that she is willing to work to find groups that would be willing to provide services or funding to increase the quality of education and information provided about child care providers.

⁴Attachment 3.

⁵Attachment 4.

Proposed Legislation and Final Report Recommendations

Commission on Abused and Neglected Children and Their Families

Sen. Lawson presented a draft of legislation establishing a Commission on Abused and Neglected Children and Their Families⁶ based on the recommendations of a 1992 commission of the same name. Ms. Pierce and Cathy Graham, Executive Director, IARCCA an Association of Children and Family Services, provided historical information concerning the 1992 Commission and provided copies of the commission's executive summary and recommendations⁷. Ms. Snyder suggested adding to the Commission's membership an individual with expertise in the area of juvenile fire setting. There was general discussion concerning the actions that have been taken previously in response to the 1992 recommendations.

Candes Shelton, Children's Coalition for Indiana, expressed interest in making additions to the draft's list of commission members and duties. She stated that Indiana's child care regulatory system should be completely revised and suggested that a commission should be established for this express purpose with coordination of all child care regulatory efforts. There was general discussion concerning commission membership, current and future fragmentation of child care regulation, fragmentation of efforts to revise the child care regulatory system, and work of the Board in this area. Some individuals expressed interest in working on a project to revise child care regulation on a voluntary basis.

Preschool Registration

Rep. Budak presented a draft of proposed legislation requiring registration of preschools⁸. She explained changes based on recommendations from the state Fire Marshal. Ms. Snyder provided information concerning the requested changes.

Pat Cole, Healthy Child Care, Indiana, raised the issue of treating children differently based on regulation of the child care/preschool setting in which they are placed. Deborah Chubb, Michigan City Child Care Consortium, discussed an additional issue of preschools conducting three separate programs throughout the day and avoiding regulation.

Barbara Nelson, a child care provider from Muncie, Indiana, discussed issues of payment discrepancies under the Child Care and Development Fund.

Ms. Lindsey expressed concern that the proposed legislation would be a compromise on the issue of consistent regulation of all child care providers. She suggested that regulation of only a portion of an industry creates ineffective regulation.

Ms. Clippinger concurred with Ms. Lindsey and stated that she believes that the Board should work on revision of the overall child care regulatory structure. She volunteered to work on this project and suggested that preschool regulation be included in such a project, rather than introducing preschool regulation independently at this time.

Rep. Crawford explained his belief that regulation sometimes occurs through small steps, rather than all at once and suggested that a fiscal estimate should be attempted.

Sen. Lawson raised the possibility of requiring preschools to register at this time, without

⁶Attachment 5.

⁷Attachment 6.

⁸Attachment 7.

additional requirements, as a starting point.

Minimum Standards

At the request of Sen. Lawson, staff explained a draft of proposed legislation⁹ on which work had been done at the October 16, 2002, working group meeting. Sen. Lawson clarified that the intent of the proposed legislation is to further clarify the intent of enactment of the minimum standards in 2001 and 2002. There was general discussion concerning the amount of time required to obtain drug testing results, random drug testing policies, and application of certain standards to "primary caregivers".

Child Care Funding

Rep. Crawford stated that he would contact staff regarding language for recommendations in the final report concerning child care funding mechanisms and Congressional reauthorization of Temporary Assistance to Needy Families funding.

Following discussion of each of these issues, Sen. Lawson requested that interested parties and members of the Board contact her, the legislator proposing recommendations or legislation, or Ms. Naughton not later than Monday, October 28, 2002, with suggested revisions to the drafts of proposed legislation and the final report.

Board Recommendations for Proposed Child Care Center Rules

Mr. Boyce presented comments concerning the proposed child care center administrative rules. He presented a brief history of the development of the proposed rules, noted the involvement of providers in the development process, and stated that the earliest possible date that compliance could be enforced under the new rules would be in 2004. There was general discussion concerning the proposed rules, the promulgation process as a first step and future amendment as necessary based on statutory changes or results of application of the rules. Mr. Boyce stressed his belief that the promulgation of the proposed rules needs to proceed at this time and that necessary changes can be made in the future.

Ms. Cole and Ms. Chubb expressed their support for adoption of the proposed rules. Ms. Shelton expressed reservations, noting confusion of the meaning of "best practices" and "minimum standards". Sen. Lawson clarified with Ms. Eiler that the next step in the process would be public comment, and that the proposed rules may change based on the public comment. There was general discussion concerning action versus inaction on the proposed rules.

Sen. Lawson requested that the board consider the proposed rules for a vote on a recommendation at the October 31, 2002, meeting of the Board.

With no further business to discuss, Sen. Lawson adjourned the meeting at 1:15 p.m.

⁹Attachment 8.